

As is clear from the CV of Defendant's expert, Mr. Sime has worked for Defendant in various capacities since 1988. He is unquestionably knowledgeable in all aspects of automotive engineering, repair, maintenance, operation and valuation, as well as BMW NA's policies and procedures as they relate to same. As a Technical Services Engineer, Mr. Sime also serves as a liaison between consumers, dealers and BMW NA. He works to determine causes of vehicle concerns and appropriate responses thereto. In his various roles, Mr. Sime has regularly evaluated customer concerns, including considering the value of the car in view of its repair history and recommending action in view of both the cost and the value of the car. As a result, Mr. Sime is highly qualified to opine on the effect various repairs may have on the value of Plaintiff's car.

More importantly, Mr. Sime, as an automotive expert, was certainly as qualified to review Kelly Blue Book and other valuation guides, as Plaintiff's "expert." Kelly Blue Book is widely used in the industry and affords even individuals with no expertise the ability to determine the present value of a used vehicle.

For the above reasons, Plaintiff's motion should be denied.

Respectfully submitted,

Dated: September 10, 2012

/s/ Rachel Elsby
Rachel Jane Elsby (VSB #81389)
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street, Suite 500
Alexandria, Virginia 22314-2727
Telephone: 703-299-6927
Facsimile: 703-836-2021
rachel.elsby@bipc.com

James DeRose, *pro hac vice*
Anne Burris, *pro hac vice*
LINDABURY MCCORMICK ESTABROOK &
COOPER, PC
53 Cardinal Drive, PO Box 2369
Westfield, NJ 07091
Telephone: 908-233-6800
Facsimile: 908-233-5078
jderose@lindabury.com
aburris@lindabury.com

Counsel for Defendant BMW of NA, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September 2012, I electronically filed the foregoing DEFENDANT'S OPPOSITION TO PLAINTIFF'S FOURTH MOTION *IN LIMINE* with the Clerk of Court using the CM/ECF system which will send notification of such filing via Notification of Electronic Filing (NEF) to the following:

Leonard A. Bennett, Esq.
Susan Rotkis, Esq
CONSUMER LITIGATION ASSOCIATES, P.C.
763 J. Clyde Morris Blvd., Suite 1-A
Newport News, VA 23601
srotkis@clalegal.com
lenbennett@clalegal.com
Phone: 757-930-3660
Fax: 757-930-3662

/s/ Rachel Elsby
Rachel Jane Elsby (VSB #81389)
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street, Suite 500
Alexandria, Virginia 22314-2727
Telephone: 703-299-6927
Facsimile: 703-836-2021
rachel.elsby@bipc.com

Counsel for Defendant BMW of NA, LLC